

### What happens after submitting your questionnaire to us:

1. The charge will be reviewed for jurisdiction.
  1. If it meets our filing requirements, your charge will be processed and assigned a case number.
  2. A formal charge will be created and sent to you to be signed. The charge needs to be signed by you before a public notary.
- \*We provide this service free of charge in our office. Bring PHOTO ID.**
4. The case will be forwarded to the EEOC for dual filing under applicable federal laws.
  5. Within 10 days or less, you and the employer (Respondent) will receive a copy of the complaint by mail. This information packet will include a date for a **Resolutions Conference**.

### Understanding the resolutions conference

The Resolutions Conference is a **voluntary opportunity** to resolve (mediate) your charge of discrimination. The purpose is to bring you and the employer together and see if the differences can be resolved with the assistance of an experience mediator .

- \* The Resolutions Conference is NOT a hearing.
- \* If the parties reach a settlement, the Division will prepare a negotiated settlement Agreement and the case will be closed upon fulfillment of the terms agreed by both parties.

### What happens if I am fired or otherwise harassed because of my complaint?

It is illegal for an employer to retaliate against an employee because he or she has opposed any type of discriminatory treatment or because he or she has filed a charge of discrimination, testified, assisted or participated in any proceeding, investigation, or hearing alleging discriminatory treatment protected by the law. This protection applies not only to the complaining employee, but to all other employees who might participate in the investigation process. This protection applies regardless of the validity of the complaining employee's charge.



### Utah Antidiscrimination & Labor Division UALD

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## Employment Discrimination

## What you need to know

Utah Labor Commission  
Antidiscrimination  
&  
Labor Division  
(UALD)

## What is employment discrimination?

A general definition of employment discrimination is when an employer takes action against an employee because of that individual's race, color, sex, national origin, disability, age (over 40), or religion.

## How do I know when discrimination has occurred?

Many times an employee may feel that he or she has been treated unfairly by an employer. Personal conflicts, disagreements over management style or personality differences, favoritism towards an employer's friend or family member are all examples of unfair treatment, but DO NOT necessarily constitute unlawful discrimination.

Discrimination occurs when someone is ***treated differently*** because of their race, color, sex (which includes pregnancy and sexual harassment), national origin, disability, age (over 40) or religion.



If you have been denied work or fired because of your national origin or citizenship status, you may have a valid charge of discrimination. Contact us for more information.

## Understanding unfair vs. discriminatory treatment

Generally, unless there are statements that directly indicate a decision was made because of a discriminatory reason, the Division will look at how other people are treated.

Remember, you have to be able to provide specific information and/or examples of how you think your treatment has been different than that of other employees in a similar situation than you.

**Example:** If a person is fired for having too many absences and he or she alleges gender discrimination, the Division would look at whether other employees have had a similar number of absences and whether male and female employees are treated the same.

## Things to know before filing a complaint

- ⇒ Your employer must have at least 15 employees — less for certain cases of National Origin or Citizenship Discrimination.
- ⇒ You must also file your charge of employment discrimination within **180**

days of the alleged discriminatory act.

⇒ If more than 180 days have passed since the last date of harm, but **less than 300 days**, your charge may be sent to the Equal Employment Opportunity Commission (EEOC) for its consideration.

## How to file a complaint with our office

1. Contact our office in person or by phone to obtain the intake questionnaire. You may also obtain a copy from our website.
2. Fill out the forms. **Be Specific.** Provide examples when needed.
3. Provide copies of any **relevant** information such as:
  - ✓ Termination notices.
  - ✓ Letters of discipline.
  - ✓ Paycheck stubs.
  - ✓ Documents supporting your request for a reasonable accommodation.
  - ✓ Medical records.
  - ✓ Information about witnesses.
  - ✓ Any other information that you may feel will support your case.